

Thank you for your comment, Lesley Wischmann.

The comment tracking number that has been assigned to your comment is OSTS2012D50125.

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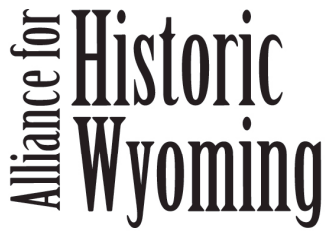
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Comment Submitted:



protecting Wyoming's historic places

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24 Apr 2012

Mr. Michael Nedd, BLM Assistant Director
Minerals, Realty and Resource Protection
1849 "C" Street NW
Washington, DC 20240

Dear Mr Nedd:

Thank you for this opportunity to comment on the Draft Programmatic Environmental Impact Statement for Oil Shale and Tar Sands Development in Wyoming. Please consider these the formal comments of the Alliance for Historic Wyoming (AHW), a statewide nonprofit organization dedicated to preserving our historic and cultural resources. We work with citizens around the state and across the country who are concerned about ensuring Wyoming's irreplaceable historic resources exist for future generations.

As this project goes forward, we ask that AHW be considered an interested party at every stage of this process for all consultations under Section 106 of the National Historic Preservation Act (NHPA) as amended, and implementing regulations 36 CFR 800.2(c)(5) and 800.3(f)(3). You may use the above listed address, phone number and email address to contact us as part of the Section 106 consultations. As you know, NHPA's Section 106 process recognizes that "the views of the public are essential to informed Federal decision making" and agencies are required to "seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, [and] the likely interest of the public in the effects on historic properties." 36 CFR § 800.2(d)(1) Likewise, the Historic Sites Act of 1935 states that: "It is a national policy to preserve for public use historic sites, buildings, and objects of national significance for their inspiration and benefit of the people of the United States." In the case of this project, we expect that interest could be especially high because of the nature of the potentially affected resources - the National Historic Trails, in particular - as well as the dramatically different nature of this potential undertaking from any that has previously been done in Wyoming. Therefore, we encourage you to reach out to the various nonprofit organizations dedicated to

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working on historic and prehistoric resources in this area, including the county historical societies, the certified local government organizations, TRACKS Across Wyoming, the Lincoln Highway Association and the local museums and tourism offices. Each of these groups will have valuable input to add to the Section 106 process.

We also want to encourage you to ensure that extensive and effective outreach be made to the affected tribes as early as possible in this process so that they might have the opportunity to do extensive on-the-ground surveys to identify landscape-wide cultural sites of importance to them. As you may be aware, it is often the case that the prehistoric and cultural features identified by SHPOs do not come close to being as inclusive as the sites identified by THPOs and tribal elders. Tribes often have not had the opportunity to do extensive ground surveys for decades or longer. Only through this kind of examination can they adequately contribute to the process of protecting their sacred sites in accordance with Executive Order 13007. We would also remind you that EO 13007 defines a “sacred site” as “any specific, discrete, narrowly delineated location” that is “identified by an Indian tribe, or **Indian individual determined to be an appropriately authoritative representative of an Indian religion....**” (emphasis added) This secondary requirement of seeking identification by authoritative Indian **individuals** places a heavy responsibility on federal agencies to cast a wide net among the affected tribes to ensure that all potential sacred sites are identified. While we understand and appreciate that this level of consultation can be time-consuming and complicated, we believe that the need to protect these irreplaceable resources makes this process more than worthwhile.

As a representative of the Alliance for Historic Wyoming, I did have the opportunity to speak with Sherri Thompson about this project and appreciated her sensitivity towards our concerns and her willingness to reach out and offer us additional consultation opportunities. It is clear that the BLM has taken a very cautious approach to the potential for oil shale/tar sands development and we very much appreciate this go slow attitude since none of us have ever before dealt with an oil shale project and the technology itself remains experimental, with no proven track record of success.

Our concerns, in general, are concerns that I am sure you will hear from many others. In particular, the “dirty” nature of oil shale gives us great pause about this project. In addition, we are deeply concerned about how development of oil shale would affect the water resources in Wyoming, which I am sure you know is a high desert. Thanks to that high desert climate, we are blessed with the best remaining remnants of the historic emigrant trails - the Oregon, California, Mormon and Pony Express National Historic Trails. But the lack of water in our state is always a concern when development is proposed and with the changing climate patterns and our recent history of drought, it is doubtful that we can afford to use the quantities of water that would be necessary to make oil shale a viable commodity without seriously diminishing the water available for our communities.

Our specific cultural resource concerns center on the degradation of the historic trails and other cultural sites, including rock art and archaeology sites, which are being heavily impacted by the increasing industrialization of the I-80 corridor through southern WY. While

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many people look at this area and see only a heavily impacted transportation corridor, the Alliance for Historic Wyoming recognizes that this transportation corridor in fact tells the whole story of America's development into a nation "from sea to shining sea." It is along this corridor that one can experience the original historic emigrant trails, the shift in usage of the trails to a freighting operation (the Overland Trail), the connecting of the continent through the transcontinental railroad, the communications revolution that began with the Pony Express and continued with the telegraph lines, the first national roadway (the Lincoln Highway), the Eisenhower interstate road system and, more recently, the development of industrial wind energy. All of these advancements have helped to bind our nation together and southern Wyoming offers unique opportunities for interpretation and appreciation of these resources.

When you look at these areas and the historic and cultural resources in them, we strongly encourage you to take this broader view. In particular, we believe that the BLM has done a generally poor job of evaluating Wyoming's landscapes in terms of their potential for listing on the National Register of Historic Places as Rural Historic Landscapes or Traditional Cultural Properties. Very little consideration has also been given as to whether any of these areas might qualify as National Heritage Areas. Wyoming's most iconic cultural feature is its wide-open spaces. Unfortunately, however, these vistas and their importance to our communities are rarely considered by the BLM when looking at the impacts of these large-scale projects. In our experience, the Section 106 process as outlined by the National Historic Preservation Act is often incapable of addressing these concerns. The Section 106 process requires that the participants define an area of potential effect (APE) and then address the potential adverse effects within those boundaries. But when you are talking about open vistas, it is impossible to draw boundaries around the space.

Additionally, we find the Section 106 approach increasingly inadequate when it comes to dealing with the National Historic Trails. The trails, by their very nature, are a single, contiguous resource that extends for hundreds of miles from their point of origin to their termination. When we are forced to confine our analyses to the impacts that occur within an APE, we are artificially segmenting these trails and doing irreparable harm to them in the process. In our experience, the Section 106 process is simply incapable of adequately addressing these cumulative effects. As a result of this recognition, we are now requesting that a mechanism be established to provide off-site compensatory mitigation for cumulative effects through the NEPA process. This not only provides an opportunity to deal with these difficult to address cumulative effects but has the added bonus of making it possible to provide grants to organizations that, for any number of reasons, might not be able to take part in the Section 106 process, but which may well have new and innovative ideas about how to address the adverse effects. Should this project go forward, we hope that the NEPA documents will address this issue.

Our concerns about this project are not just limited to the environmental and cultural issues already addressed. We also recognize that cultural and historic resources are closely tied to recreational values and the socio-economic vitality of our small cities and towns.

Wyomingites, by nature, are closely tied to their lands. We rely on our public lands for

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recreational opportunities. This extends very directly to the huge impact that tourism has on our state. As you may or may not know, tourism is Wyoming's second largest industry, right behind energy development. And the fastest growing sector of the tourism industry is heritage tourism. Wyoming is blessed with a robust heritage tourism sector. People come from all over the world to experience "the West" in Wyoming. They are looking not only for our open vistas but also our historic ranches, our ghost towns, our unique little museums, our abandoned railroad spurs, our isolated cemeteries, our historic trails, our rock art and tipi rings, our forts and battlefields, and our natural landmarks. If they arrive in Wyoming and do not feel transported to another time and place, if all they see around them are the signs of industrialization that they can find in any other state, they will quickly move on. To lose this source of income would be devastating to our small communities, especially. As a state, we have experienced and absorbed and survived untold cycles of the boom and bust energy economy. What brings us through is our pristine landscapes and cultural assets which bring in the tourists with their tourism dollars. If energy booms are allowed to wipe out those assets, it is highly uncertain how we would weather the bust.

Google some of our smaller towns along the I-80 corridor and you will see why we are concerned about giving the wandering heritage tourist the impression that there is little to see or do that cannot be found in a more densely populated and developed location. Take Superior, WY, for example. The website they maintain <superiorwyoming.net> explains their allure this way:

We invite you to enjoy a modern day voyage into yesteryear to a town forgotten by time. Superior remains a diamond in the rough for those seeking real adventure in authentic old west sightseeing. In its heyday, Superior was a bustling town of over 3,000, lured by underground coal mines. Today, only 336 hearty souls keep this isolated "Ghost Town" alive.

This is precisely the kind of description that calls the heritage tourist away from the interstate and invites them to explore. But if they are already discouraged by what they have seen while driving, they are likely to pass Superior by. Nearby Reliance, WY, depends on its historic tipple to create the same kind of draw. Built in 1936, the tipple was touted as being "the most modern all-steel tipple in the Union Pacific Coal Company's extensive coal holdings" with "a capacity of 500 tons of coal per hour." Without the heritage tourists who stop to learn about a tipple, Reliance would certainly suffer. I would encourage you to visit the TRACKS Across Wyoming <tracksacrosswyoming.com> website and see all the fascinating little pieces of history that continue to thrive because heritage tourism is alive and well along the I-80 corridor. No NEPA analysis would be complete or adequate for energy development in this area if it doesn't thoroughly examine the impacts such a project, especially a "dirty energy" project, would have on recreational tourism and the resulting potential for socio-economic loss.

As I am sure you know, Congress declared in NHPA that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; [and] the

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preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans.” 16 U.S.C. 470(b)(2) and (b)(4) Moreover, NHPA states that: “It shall be the policy of the Federal Government...to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations; [and] encourage the public and private preservation and utilization of all usable elements of the Nation’s historic built environment.” 16 U.S.C. 470-1 (1) and (5) These findings place a high burden on our country’s land management agencies to ensure that all possible steps be taken to ensure the protection of our historic and cultural resources for future generations. AHW believes that no NEPA analysis can be complete or adequate if it doesn’t thoroughly examine the impacts that the proposed project, especially if it is a “dirty energy” project, would have on recreational opportunities, including the ability and desire to wander and discover the nation’s historic roots, heritage tourism and the potential socio-economic loss if such opportunities are sacrificed.

Thank you for your consideration of these comments. Should you have any questions about our concerns, please feel free to contact us. AHW looks forward to working with you as this project proceeds.

Sincerely,

Lesley Wischmann
Founding Board Member
Alliance for Historic Wyoming

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